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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Reed, Gary J.
SERIAL NO.: 10/010,629
FILED: November 7, 2001
FOR: Orthopedic Stabilization
Device and Method

ART UNIT: unassigned

EXAMINER: unassigned

RECEIVED

To: Assistant Commissioner for Patents
Washington, DC 20231

DEC 26 2002

OFFICE OF PETITIONS

PETITION TO REVIVE PATENT APPLICATION
BASED ON AN UNINTENTIONAL LAPSE
(35 U.S.C. § 1.33, 37 CFR § 1.137(b))

Applicant hereby respectfully requests that the Commissioner revive the above-identified patent application for the following reasons:

The above-captioned application was filed on November 7, 2001. When the one year anniversary of the US filing date for this application approached, an International Application based thereon was timely filed on October 15, 2002, International Application Number PCT/US02/31569, entitled Orthopedic Stabilization Device and Method (hereinafter the "PCT Application").

12/24/2002 AWONDAF1 00000264 111734 10010629

01 FC:2453 180.00 CH 460.00 OP

When the PCT Application was filed, a Request to Rescind Previous Nonpublication Request 35 U.S.C. 122(b)(2)(B)(ii) (hereinafter "Request to Rescind") should have been filed simultaneously, as is the practice and procedure in my law office. However, due to an unintentional oversight, the Request to Rescind was inadvertently not filed at the time the PCT Application was filed.

The Request to Rescind in this case was not required to be filed until November 29, 2002. However, it was not until December 19, 2002, that a support staff member brought it to undersigned's attention that, during the normal course of review of this application file, it was

discovered that the Request to Rescind had inadvertently not been timely filed.

The PTO did not receive the following

listed item(s) Phcen #640

but #460 -

[Petition to Revive Page 1]

In light of this occurrence, undersigned has implemented a "new" docketing procedure for the filing of a Request to Rescind in U.S. patent applications. That is, when a U.S. application is filed, the Request to Rescind will be entered into undersigned's "main" docketing system for one year and forty-five days from the U.S. filing date. This docketing entry will appear on undersigned's "weekly" docketing calendar four weeks before its actual due date. In this way, if a Request to Rescind is not filed simultaneously with a foreign or International Application, it will appear independently on undersigned's calendars so that the date will not be unintentionally missed.

It is to be noted that the reply requirement of paragraph (c) of 37 CFR 1.137 is met by this notification of the filing of a PCT Application under a multinational treaty which bases its priority on the present US application. Therefore, no separate response accompanies this petition.

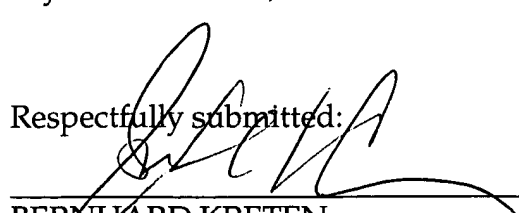
The petition fee in the amount of \$640.00 is included herewith.

Undersigned respectfully states that the entire delay in filing the Request to Rescind on November 29, 2002, until the filing of this grantable petition was unintentional (37 CFR 1.137(b)(3)).

In view of the foregoing, it is respectfully requested that the Commissioner favorably receive this petition, reviving the application and allowing the prosecution of this application on its merits to go forward. The lapse was entirely unintentional, and would unfairly jeopardize the applicant.

Dated: December 20, 2002

Respectfully submitted:



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